

Christopher V. Arisco

From: Amber Florio <amber@floriolawfirm.com>
Sent: Wednesday, December 14, 2016 7:29 PM
To: Christopher V. Arisco
Subject: Re: Bullmoose Motor Sports LLC Chapter 7

Chris,

I am awaiting the response of the Trustee to messages I have left with regard to your request. I will follow up with you as soon as I have spoken with him/received his response.

Please note, I have been summoned for Jury duty, tomorrow, Thursday 12/15/16. As such, I will be unavailable during business hours.

Thank you, Amber

Sent from my iPhone

On Dec 12, 2016, at 10:33 AM, Christopher V. Arisco <CArisco@livepad.com> wrote:

Amber,

Please provide me with all sales documents, copies of checks, bills of sale, and a summary of the balance held in trust by DCE, along with a list of vehicles that have been sold. Per your below e-mail, it is unclear what attempts were made by DCE to sell the vehicles and whether all, or a portion, of the vehicles were sold and for how much. As you are aware, NextGear has a first priority security interest in such proceeds. Also, please note I have been retained by Westlake Flooring Company, who also has a priority security interest in the sales proceeds from the vehicles recovered by DCE. I will need this additional information by the end of the day on Wednesday so I can advise my clients accordingly.

Best Regards,

Christopher Arisco
Padfield & Stout, LLP
421 W. Third Street, Suite 910
Fort Worth, Texas 76102
Phone: 817-338-1616

Fax: 817-338-1610

From: amber@floriolawfirm.com [<mailto:amber@floriolawfirm.com>]

Sent: Monday, December 12, 2016 7:54 AM

To: Christopher V. Arisco <CArisco@livepad.com>

Cc: Jeff Mims <jeffm@chfirm.com>

Subject: Re:Bullmoose Motor Sports LLC Chapter 7

Importance: High

Good Morning Mr. Arisco,

Apologies for my delayed response to your message, I was on medical leave last week and only received your message this morning.

In response to your inquiry, as per the Order entered with the Court, should no objection from the Trustee be made, my client was to attempt to liquidate the inventory found (14 vehicles), and hold any funds in escrow. Unfortunately, to date, the 5 missing vehicles have not been located.

My client has complied with the order to date, after the expiration of 30 days, and no objection from the Trustee, they have made attempts to sell the vehicles, and have held any sales proceeds in escrow.

I have cc'd the Trustee of this correspondence, so he may be kept abreast of the status as well.
Thank you.

Sincerely,
Amber Florio, Attorney at Law
P: (903) 487-9135
C: (817) 727-7187
F: (866) 941-5321
Amber@floriolawfirm.com

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----- Original Message -----

Subject: RE: Letter Agreement between NextGear and Dealers Credit Express, Re:Bullmoose Motor Sports LLC Chapter 7
From: "Christopher V. Arisco" <CArisco@livepad.com>

Date: Fri, December 09, 2016 5:24 pm

To: "amber@floriolawfirm.com" <amber@floriolawfirm.com>

Cc: "Alan B. Padfield" <abp@livepad.com>, Tristin Neal
<tneal@livepad.com>, Sheri Hopkins <Shopkins@livepad.com>

Amber,

I have not received any response from you per my e-mail below. Can you advise me where DCE is with respect to the sale and liquidation of the recovered motor vehicles per the attached agreed order? If I do not receive any response by the close of business on Monday of next week, I will explore additional legal options available to my client through the bankruptcy court.

Best Regards,

Christopher Arisco
Padfield & Stout, LLP
421 W. Third Street, Suite 910
Fort Worth, Texas 76102
Phone: 817-338-1616
Fax: 817-338-1610

From: Christopher V. Arisco

Sent: Wednesday, November 02, 2016 11:28 AM

To: 'amber@floriolawfirm.com' <amber@floriolawfirm.com>

Cc: Alan B. Padfield <abp@livepad.com>; Tristin Neal <tneal@livepad.com>; Sheri Hopkins <Shopkins@livepad.com>

Subject: RE: Letter Agreement between NextGear and Dealers Credit Express, Re:Bullmoose Motor Sports LLC Chapter 7

Amber,

Can you please advise me of the status of DCE selling the vehicles per the attached Agreed Order and escrowing the proceeds? Feel free to give me a call when you have a chance.

Best Regards,

Christopher Arisco
Padfield & Stout, LLP
421 W. Third Street, Suite 910
Fort Worth, Texas 76102
Phone: 817-338-1616
Fax: 817-338-1610

From: Christopher V. Arisco
Sent: Thursday, October 20, 2016 10:00 AM
To: 'amber@floriolawfirm.com' <amber@floriolawfirm.com>
Cc: Alan B. Padfield <abp@livepad.com>; Tristin Neal <tneal@livepad.com>; Sheri Hopkins <Shopkins@livepad.com>
Subject: RE: Letter Agreement between NextGear and Dealers Credit Express, Re:Bullmoose Motor Sports LLC Chapter 7

Amber,

Have you had a chance to review the proposed order with my changes? If so, have you uploaded any proposed order with the Court? Please provide me with a copy with the final form of the order modifying the automatic stay uploaded with the Court.

Also, I noticed in Debtor's Statement of Financial Affairs (see attached) that the Debtor has alleged Dealers Credit Express has repossessed or, alternatively, debtor returned all 19 vehicles (pp. 3, line 5.1) on or about September 22, 2016. Based on our previous conversation, you mentioned that Dealers Credit Express repossessed and sent to auction for storage only 14 of the 19 vehicles. Can you confirm whether Dealer Credit Express located the other five vehicles, and if so, where those vehicles are currently being stored?

Best Regards,

Christopher Arisco
Padfield & Stout, LLP
421 W. Third Street, Suite 910
Fort Worth, Texas 76102
Phone: 817-338-1616
Fax: 817-338-1610

From: amber@floriolawfirm.com [<mailto:amber@floriolawfirm.com>]
Sent: Thursday, October 13, 2016 6:03 PM

To: Christopher V. Arisco <CArisco@livepad.com>

Subject: RE: Letter Agreement between NextGear and Dealers Credit Express, Re:Bullmoose Motor Sports LLC Chapter 7

Chris,

Please find attached the notice from Westlake, as requested.

I will review your proposed changes to the order and compare with the original language used in the Order previously granted. I appreciate you sending me this. I will review, and keep the language as close to the original wording of the Original Order as possible, as that is what the Judge ordered today. Because she specifically stated that she wished the language to be exactly the same, with the exception that any funds from future sale if the Trustee did not object should be held in escrow, I am obligated to submit the Order with the terms in congruence with those outlined by the Judge this afternoon.

Please let me know if there is anything additional I can provide to you. Thank you again.

Sincerely,

Amber Florio, Attorney at Law

P: (903) 487-9135

C: (817) 727-7187

F: (866) 941-5321

Amber@floriolawfirm.com

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----- Original Message -----

Subject: RE: Letter Agreement between NextGear and Dealers Credit

Express, Re:Bullmoose Motor Sports LLC Chapter 7

From: "Christopher V. Arisco" <CArisco@livepad.com>

Date: Thu, October 13, 2016 5:39 pm

To: "amber@floriolawfirm.com" <amber@floriolawfirm.com>

Cc: "Alan B. Padfield" <abp@livepad.com>

Amber,

Please see my revised proposed Agreed Order, which will be acceptable to NextGear given the Judge's ruling. Minor changes I made to the draft version you provided me include noting that 14 of the 19 Dealers Credit vehicles are already at auction and shouldn't be otherwise moved or "repossessed" by Dealers Credit, the relief from stay is subject to NextGear's asserted

security interest in such vehicles and chattel paper proceeds, and the net sales proceeds from the vehicles need to be escrowed in an IOLTA account. A draft version of the proposed Agreed Order is attached for your review and comment.

Feel free to let me have your comments and proposed feedback on the form of the order.

Also, can you send me the Westlake notice of sale we previously discussed this afternoon?

Best Regards,

Christopher Arisco
Padfield & Stout, LLP
421 W. Third Street, Suite 910
Fort Worth, Texas 76102
Phone: 817-338-1616
Fax: 817-338-1610

From: amber@floriolawfirm.com [<mailto:amber@floriolawfirm.com>]

Sent: Wednesday, October 12, 2016 8:25 PM

To: Alan B. Padfield <abp@livepad.com>; Christopher V. Arisco <CArisco@livepad.com>

Subject: Letter Agreement between NextGear and Dealers Credit Express, Re:Bullmoose Motor Sports LLC Chapter 7

Good Evening Gentlemen,

As per our discussion earlier this afternoon, please review the attached letter agreement, and proposed agreed order with respective exhibits. If you are in agreement, please sign and return the Letter Agreement to me at your earliest convenience. I will be unavailable to discuss this after 10:30 am tomorrow morning, but am available via email this evening and phone or email in the morning prior to 10:30.

Please let me know if you have any questions, or require revisions in order to come to an agreement. Thank you in advance.

Sincerely,

Amber Florio, Attorney at Law

P: (903) 487-9135

C: (817) 727-7187

F: (866) 941-5321

Amber@floriolawfirm.com

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